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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/634,546	08/08/2000	Nimrod Megiddo	AM9-99-0239	5606

26381 7590 11/02/2006
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EXAMINER

BACKER, FIRMIN

ART UNIT PAPER NUMBER

3621

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/634,546	MEGIDDO, NIMROD	
	Examiner	Art Unit	
	FIRMN BACKER	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-16 and 23-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-16 and 23-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments with respect to claims 1, 3-16 and 23-28 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-16 and 23-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Togher et al (U.S. PG Pub No. 2005/0228748) in view of Rosser (U.S. Patent No. 6,446,261).
4. As per claims 1 and 27, Togher et al teach a system for enhancing price discovery of products available in electronic commerce, auctions an anonymous buyer profile, one or more automated surveyors for surveying a plurality posted prices, bid prices, posted quotes, quoted prices including within at least one of the one or more automated surveyors, the sophisticated buyer used as the buyer by the automated surveyors, and wherein use of the anonymous buyer profile increases the probability of discovering the best prices in an electronic commerce environment which includes electronic price discrimination (*see abstract, paragraphs 0003, 0006-0009, 0034, 0039, 0043*). Togher et al fail to teach a system wherein the anonymous buyer profile used multiple times to develop historical usage therefore, the historical usage representing a sophisticated buyer (*see abstract, column 1 lines 29-2 line 24*). However, Rosser teach a

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system wherein the anonymous buyer profile used multiple times to develop historical usage therefore, the historical usage representing a sophisticated buyer (*see abstract, column 4 line 15-line 48, 8 line 39-55*). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Togher et al to include Foth system wherein the anonymous buyer profile used multiple times to develop historical usage therefore, the historical usage representing a sophisticated buyer because this would have provided an interactive and automated systems and methods for conducting financial transactions and related financial information in capital markets without knowledge of who the customer (user) is.

5. As per claims 3, Togher et al teach a system wherein the developed anonymous buyer profile is used to make actual purchases for a buyer using the system without disclosing the identity of the buyer (*see abstract, paragraphs 0003, 0006-0009, 0034, 0039, 0043*).

6. As per claims 4, Togher et al teach a system wherein when the system makes actual purchases for a buyer it further includes receiving purchased at least one item at a site owned by system operator or a third party, and shipping at least item to the buyer (*see abstract, paragraphs 0003, 0006-0009, 0034, 0039, 0043*).

7. As per claims 5, Togher et al teach a system wherein the surveying posted prices further comprises collecting information about wholesale prices generating reference points, and assessing from the reference points whether a posted price is reasonable (*see abstract, paragraphs 0003, 0006-0009, 0034, 0039, 0043*).

8. As per claims 6, Togher et al teach a system wherein the surveying posted quotes further comprises scanning continuously commercial sites on a network extracting posted quotes from the sites, maintaining a database of posted quotes, and pointing a buyer to vendors that post a best price based on the posted quotes for an item the buyer is interested in (*see abstract, paragraphs 0003, 0006-0009, 0034, 0039, 0043*).

9. As per claims 7, Togher et al teach a system wherein the included within at least one of the one or more automated surveyors comprises choosing one of a plurality of available fictitious names requesting price quotes on behalf of the chosen fictitious names storing all received quotes, and maintaining statistics about the store received quotes for reference to future buyers using the system (*see abstract, paragraphs 0003, 0006-0009, 0034, 0039, 0043*).

10. As per claims 8, Togher et al teach a system wherein the system further comprises promoting competition among sellers by generating messages to inform sellers of lower prices quoted by their competitors advising the sellers to consider lowering prices, and maintaining a website, for public viewing, regarding ratings of sellers (*see abstract, paragraphs 0003, 0006-0009, 0034, 0039, 0043*).

11. As per claims 9, Togher et al teach a system wherein potential buyers receive messages of prices discovered by any of: e-mail, regular mail, or faxes (*see abstract, paragraphs 0003, 0006-0009, 0034, 0039, 0043*).

12. As per claims 10, Togher et al teach a system wherein the method of uncovering price structures further comprises probing a commercial site with varying parameters associated with the price of at least one product uncovering the underlying fee structure and how it varies with respect to different parameters, and suggesting to a potential buyer what parameters can be changed to save money (*see abstract, paragraphs 0003, 0006-0009, 0034, 0039, 0043*).

13. As per claims 11, Togher et al teach a system wherein the network include any of the internet, wireless web, LAN or WAN (*see fig 1*).

14. As per claims 12, Togher et al teach a method for enhancing buyers performance in electronic commerce, wherein the method comprises: comprises using the sophisticated buyers to electronically gather information about prices on a network, electronically presenting information to sellers located across a network about sophisticated buyers who are not willing to pay more than a minimum price, and indicating to sellers when they are competitive and influencing them to lower prices (*see abstract, paragraphs 0003, 0006-0009, 0034, 0039, 0043*).

Togher et al fail to teach the sophisticated buyers developed by historical use of anonymous buyer profiles, However, Rosser teach a system the sophisticated buyers developed by historical use of anonymous buyer profiles, (*see abstract, column 4 line 15-line 48, 8 line 39-55*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Togher to include Rosser system comprises the sophisticated buyers developed by historical use of anonymous buyer profiles because this would have provided an

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interactive and automated systems and methods for conducting financial transactions and related financial information in capital markets without knowledge of who the customer (user) is.

15. As per claims 13, Togher et al teach a method wherein the influencing them to lower prices comprises any generating messages to inform sellers of lower prices quoted by their competitors advising the sellers to consider lowering prices, and maintaining a website, for public viewing, regarding ratings of sellers (*see abstract, paragraphs 0003, 0006-0009, 0034, 0039, 0043*).

16. As per claims 14, Togher et al teach a method wherein the sophisticated buyers are used to anonymously make actual purchases for a buyer using the method (*see abstract, paragraphs 0003, 0006-0009, 0034, 0039, 0043*).

17. As per claims 15, Togher et al teach a method wherein when the method anonymously makes actual purchases for a buyer it further includes receiving purchased items at a site owned by system operator or a third party and shipping item to the buyer (*see abstract, paragraphs 0003, 0006-0009, 0034, 0039, 0043*).

18. As per claims 16, Togher et al teach a method wherein the network includes one of the internet, WWW, wireless web, LAN or WAN (*see fig 1*).

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19. As per claims 21, Togher et al teach a method for enhancing buyers performance in electronic commerce comprising surveying quoted prices located across a network, comprising requesting price quotes using the fictitious names building reputation of the fictitious names as sophisticated buyer, and computing a quote a known buyer receives to what has been observed in the system by the sophisticated buyer, continuously screening commercial sites on a network using the sophisticated buyers to retrieve product price information including at least quotes generating statistical distribution of the quotes (*see abstract, paragraphs 0003, 0006-0009, 0034, 0039, 0043*). Togher et al fail to teach a system of generating fictitious user names. However, Rosser teach a system of generating fictitious user names (*see abstract, column 4 line 15-line 48, 8 line 39-55*). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Togher to include Foth et teach a system of generating fictitious user names because this would have provided an interactive and automated systems and methods for conducting financial transactions and related financial information in capital markets without knowledge of who the customer (user) is.

20. As per claims 23, Togher et al teach a method wherein the known buyer's anonymity is protected comprises providing buyer the option of purchasing item for him purchasing the item using one of many the available fictitious names receiving item at a site owned by system operator, and shipping item to buyer (*see abstract, paragraphs 0003, 0006-0009, 0034, 0039, 0043*).

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21. As per claims 24, Togher et al teach a method further comprising promoting competition among sellers comprising generating messages to inform sellers of lower prices quoted by their competitors advising the sellers to consider lowering prices, and maintaining a website, for public viewing, regarding ratings of sellers (*see abstract, paragraphs 0003, 0006-0009, 0034, 0039, 0043*).

22. As per claims 25, Togher et al teach a method wherein the messages generated include one of the following: e-mail, regular mail, or faxes (*see abstract, paragraphs 0003, 0006-0009, 0034, 0039, 0043*).

23. As per claims 26, Togher et al teach a method further comprising a method of uncovering price structures by probing a commercial site with varying parameters associated with the price of at least one product uncovering the underlying fee structure and how it varies with respect to different parameters, and suggesting to the buyer what parameters can be changed to save money (*see abstract, paragraphs 0003, 0006-0009, 0034, 0039, 0043*).

24. As per claims 28, Togher et al teach an article of manufacturing comprising a computer user medium having computer readable program code embodied therein which enhances buyers performance in electronic commerce, wherein code for the automated surveyors using the one or more anonymous buyer profiles further comprises computer code for concealing a buyers true identity picking one of many available fictitious names, requesting price quotes on behalf of a buyer without revealing the buyer's true identity, storing all received quotes, and maintaining

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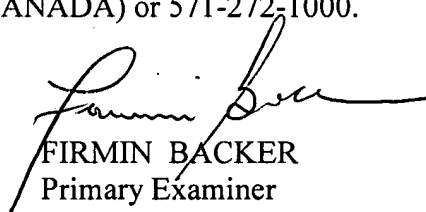
statistics about the stored received quotes for reference of future buyers (*see abstract, paragraphs 0003, 0006-0009, 0034, 0039, 0043*).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FIRMIN BACKER whose telephone number is 571-272-6703. The examiner can normally be reached on Monday - Thursday 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew J. Fischer can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


FIRMIN BACKER
Primary Examiner
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October 27, 2006